

BY THIS SECTION.

(C) DAMAGE TO OR DESTRUCTION OF PROPERTY.

IF A CIVIL ENGINEER, SURVEYOR, REAL ESTATE APPRAISER, OR ANY OF THEIR ASSISTANTS ENTERS ON ANY PRIVATE LAND UNDER THE AUTHORITY OF THIS SECTION OR ANY COURT ORDER PASSED PURSUANT TO IT, AND DAMAGES OR DESTROYS ANY LAND OR PERSONAL PROPERTY ON IT, THE OWNER OF THE PROPERTY HAS A CAUSE OF ACTION FOR DAMAGES AGAINST THE CIVIL ENGINEER, SURVEYOR, REAL ESTATE APPRAISER, OR ASSISTANT AND AGAINST THE STATE, ITS INSTRUMENTALITY, OR THE BODY POLITIC OR CORPORATE ON WHOSE BEHALF THE PERSON INFLECTING THE DAMAGE WAS ACTING.

(D) OBLITERATING, DAMAGING, OR REMOVAL OF STAKE OR MARKER.

ANY LANDOWNER OR OTHER PERSON WHO WILLFULLY OBLITERATES, DAMAGES, OR REMOVES ANY STAKE, MARKER, MONUMENT, OR OTHER LANDMARK SET BY ANY CIVIL ENGINEER, SURVEYOR, OR REAL ESTATE APPRAISER OR ANY OF THEIR ASSISTANTS ACTING PURSUANT TO THIS SECTION, EXCEPT IF THE STAKE, MARKER, MONUMENT, OR OTHER LANDMARK INTERFERES WITH THE PROPER USE OF THE PROPERTY, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION SHALL BE FINED NOT MORE THAN \$500.

(E) OBSTRUCTING A PERSON ACTING UNDER COURT ORDER.

ANY PERSON WHO HAS KNOWLEDGE OF AN ORDER ISSUED PURSUANT TO SUBSECTION (B) AND WHO OBSTRUCTS ANY CIVIL ENGINEER, SURVEYOR, REAL ESTATE APPRAISER, OR ANY OF THEIR ASSISTANTS ACTING UNDER THE AUTHORITY OF THE ORDER MAY BE PUNISHED AS FOR CONTEMPT OF COURT.

REVISOR'S NOTE: This section presently appears as Art. 21, §12-112 of the Code. In subsection (b), the last sentence is proposed for deletion because it appears as new language in subsection (e). The present reference to "real property" is proposed for deletion and "land" is substituted for the reasons explained in the revisor's note to §12-104.

The General Assembly should consider enacting legislation to provide that some sort of prior notice should be given before entering private property in subsection (a).

The only other changes are in style.

12-112. ALLOWANCE FOR REMOVAL OF PERSONAL PROPERTY, DEAD BODY, GRAVE MARKER, OR MONUMENT.